

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION**

MICHAEL SIBBLE,

Plaintiff,

vs.

**ENDEAVOR ENERGY RESOURCES,
LP,**

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 7:22-CV-0015

DEFENDANT ENDEAVOR ENERGY RESOURCES, LP'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. Sections 1331, 1332, 1441, and 1446, Defendant Endeavor Energy Resources, LP, (“Endeavor”) files this Notice of Removal, giving notice that it is removing this civil action to the United States District Court for the Western District of Texas, Midland Division, based on federal question and supplemental jurisdiction. In support of this Notice of Removal, Endeavor shows as follows:

I. BACKGROUND

On November 15, 2021, Plaintiff Michael Sibble (“Sibble”) filed this civil action, Cause No. CV58155, in the 385th District Court of Midland County, Texas, styled *Michael Sibble v. Endeavor Energy Resources, LP*. Sibble demanded a jury trial. *See Ex. 1*, Sibble’s Original Petition and Citation. True and correct copies of all process, pleadings, and orders are attached and incorporated by reference. *See Ex. 1–6*.

In Sibble’s Original Petition, Sibble alleged that Endeavor violated Chapter 21 of the Texas Labor Code by terminating him in retaliation for engaging in protected activity. Endeavor filed its Original Answer on December 21, 2021. *See Ex. 2*, Endeavor’s Original Answer.

On January 18, 2022, Sibble filed his First Amended Petition. *See Ex. 3*, Sibble’s First Amended Petition. In addition to the claim asserted in his Original Petition, Sibble asserts, for the first, that Endeavor violated the Age Discrimination in Employment Act (“ADEA”) by terminating Sibble in retaliation for engaging in protected activity. The factual basis behind both claims are identical. *Ex. 3*.

On January 24, 2022, Endeavor filed its First Amended Answer in state court. *See Ex. 4*, Endeavor’s First Amended Answer. Endeavor now removes this action to this Court based on federal question jurisdiction and supplemental jurisdiction.

II. ARGUMENT & AUTHORITIES

Removal is proper because the Court has federal question jurisdiction and supplemental jurisdiction. Federal district courts “have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Sibble asserts claims under ADEA, which arises under the laws of the United States. This Court therefore has original jurisdiction over these claims.

This Court also has supplemental jurisdiction over Sibble’s state-law claim brought under the Chapter 21 of the Texas Labor Code because that claim is so related to the ADEA claim “that they form part of the same case or controversy.” 28 U.S.C. § 1337(a).

III. PROCEDURAL ALLEGATIONS

The Western District of Texas, Midland Division is the federal district and division that embraces the District Court of Midland County, Texas. *See* 28 U.S.C. § 124(d)(3). This Notice of Removal is filed within 30 days of Defendant being served with “other papers” under Sibble’s First Amended Petition filed January 18, 2022 and is therefore timely filed under 28 U.S.C. § 1446(b)(3). *See Ex. 2*. Accordingly, removal to this Court is proper pursuant to 28 U.S.C.

§§ 1441(a) and 1446.

As required by 28 U.S.C. § 1446(d), a Notice of Filing of Notice of Removal, along with a copy of this Notice of Removal, will be promptly filed with the 385th Judicial District Court of Midland County, Texas. *See* 28 U.S.C. § 1446(d)(3).

IV. CONCLUSION

WHEREFORE, Defendant Endeavor respectfully requests this action be removed from the District Court of Midland County, Texas to the United States District Court for the Western District of Texas, Midland Division, and seeks all such other and further relief to which it may be justly entitled.

Dated January 28, 2022.

Respectfully submitted,

/s/ Steven R. McCown

Steven R. McCown
Texas Bar No. 13466500
SMcCown@littler.com

LITTLER MENDELSON, PC
Mailing address
2011 Ross Avenue, Suite 1500
Dallas, Texas 75201
214.800.8100 (telephone)
214.880.0181 (facsimile)

Physical address
100 Congress Avenue, Suite 1400
Austin, Texas 78701
(512) 982-7250 (Telephone)
(512) 982-7248 (Facsimile)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that all parties have consented to all papers required to be served may be filed and served using the E-File system. I further certify that on January 28, 2022, a copy of the foregoing pleading was served through the E-File system and emailed on the following:

Stephen Dodd
The Law Office of Stephen Dodd, PLLC
P.O. Box 925
Big Lake, TX 76932
Telephone: (325) 939 0855
Facsimile: (323) 269 0290
Email: stephen@doddattorney.com

/s/Steven R. McCown
Steven R. McCown